

**DRAFT CODE AMENDMENTS AND REVIEW SHEET:**  
**SITE DEVELOPMENT REGULATIONS FOR EDUCATIONAL  
FACILITIES**

May 5, 2016

**Summary of Proposed Amendments**

The Land Development Code exempts “public primary and secondary educational facilities” from most site development regulations, which includes both schools operated by a public school district and charter schools. However, public school districts are subject to separate interlocal “land development standards” agreements negotiated by the City with individual school districts to address setbacks, impervious cover, compatibility, and other common aspects of development.<sup>1</sup>

Charter schools, on the other hand, are not subject to the school district interlocal agreements, yet are treated the same as schools operated by a public school district for purposes of exemptions from the Land Development Code. As a result, charter schools are exempt from many of the development regulations that apply to other public schools and to civic and commercial uses.

The amendments set forth below would make development of all public schools subject to essentially the same development regulations by codifying standards in the Land Development Code that mirror those in effect under the school district interlocal agreements. However, the interlocal agreements with public school districts would remain in effect and would control in the event of a conflict with the Land Development Code.<sup>2</sup>

**Text of Proposed Amendments**

**1. Land Use Definitions.**

State law requires that “open enrollment charter schools” be treated the same as public schools for purposes of municipal zoning regulations. To clarify this, the

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<sup>1</sup> Local Government Code § 212.902 authorizes certain municipalities to execute interlocal development agreements with public school districts.

<sup>2</sup> See City Code § 25-2-835 (*School District Development Agreements*).

land use definitions for “educational facilities” under Section 25-2-6 (*Civic Uses Described*) would be amended to read as follows:

- (37) PUBLIC PRIMARY EDUCATIONAL FACILITIES use is the use of a site for a public school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state. The term includes an open enrollment charter school as defined under the Texas Education Code.
- (38) PUBLIC SECONDARY EDUCATIONAL FACILITIES use is the use of a site for a public school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state. The term includes an open enrollment charter school as defined under the Texas Education Code.

## **2. Site Development Regulations – Chapter 25-2 (Zoning).**

To codify site development regulations for schools, Section 25-2-834 (*Public Facility School Waiver*) would be repealed and Section 25-2-833 (*Public School Facility Standards*) would be replaced with the following new code section:

### **§ 25-2-833 EDUCATIONAL FACILITY DEVELOPMENT STANDARDS.**

- (A) Except as provided in Section 25-2-835 (*School District Development Agreements*), this section applies to development of a public primary or secondary educational facility.
- (B) This subsection specifies the minimum setback required from a public primary or secondary educational facility and an adjoining residential, intensive recreational, or activity center use.
  - (1) Within the boundaries of the Austin Independent School District, a public primary or secondary educational facility must be constructed within the setbacks required under the applicable regulations of this chapter.
  - (2) Outside the boundaries of the Austin Independent School District, a public primary or secondary educational facility may not be constructed closer than 25 feet from an adjoining residential use.

(C) This subsection specifies maximum height of a public primary or secondary educational facility.

(1) Within the boundaries of the Austin Independent School District, the height of a public primary or secondary educational facility may not exceed the lesser of:

- (a) 60 feet;
- (b) 30 feet, if the facility is located within 50 feet of a single-family residential base district or a single-family use; or
- (c) 40 feet, if the facility is located within 100 feet of a single-family residential district or a single-family use.

(2) Outside the boundaries of the Austin Independent School District, the height of a public primary or secondary educational facility may not exceed the lesser of:

- (a) two stories or 30 feet, if the facility is located within 50 feet of a single-family residential base district or single-family use; or
- (b) three stories or 40 feet, if the facility is located within 100 feet of a single family residential base district or single family use.

(D) A public primary or secondary educational facility within the boundaries of the Austin Independent School District is not subject to Chapter 25-2, Subchapter C, Article 10 (*Compatibility*). Outside the boundaries of the Austin Independent School District, the compatibility standards specified under this subsection apply.

(1) An intensive recreational use associated with a public primary or secondary educational facility, excluding a multi-use trail and including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property:

- (a) in an SF-5 or more restrictive zoning district; or

- (b) on which a use permitted in an SF-5 or more restrictive zoning district is located.
- (2) Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property:
  - (a) in an urban family residence (SF-5) or more restrictive zoning district; or
  - (b) on which a use permitted in an SF-5 or more restrictive zoning district is located.

**3. Exemption – Chapter 25-2, Subchapter C, Article 10 (*Compatibility*).**

Schools are exempt from compatibility standards, except for those requirements that are specifically captured in Section 25-2-833(F) (above). To make this clear, Subsection (B) of Section 25-2-1051 (*Applicability*) would be amended to read as follows:

- (B) In Subsection (A), a civic use is a:
- (1) college and university facilities use;
  - (2) community recreation (private) use;
  - (3) community recreation (public) use;
  - (4) day care services (commercial) use;
  - (5) park and recreation services (special) use;
  - (6) private primary educational facilities use;
  - (7) a private secondary educational facilities use; or
  - ~~[(8) a public primary educational facilities use;~~
  - (9) ~~[a public secondary educational facilities use; or]~~
  - ~~[(10)]~~ a religious assembly use.

**4. Exemption – Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).**

School districts are not subject to commercial design standards under Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*). To codify this exemption, amend Section 1.2.4.A (*Exemptions*) of Subchapter E to add the following new paragraph and renumber the remaining paragraphs accordingly:

4. Development of a public primary or secondary educational facility;

**5. Exemption – Chapter 25-5 (*Site Plans*).**

Staff proposes amending Chapter 25-5 (*Site Plans*) to remove the general exemption for schools from the requirement to submit a site plan application. To do this, City Code Section 25-5-2 (*Site Plan Exemptions*) would be amended to repeal Subsections (F) and (G) and to renumber the remaining subsections accordingly.

This amendment would ensure that development of charter schools is subject to site plan review procedures under Chapter 25-5, while continuing to allow public schools to utilize the review procedures established under their interlocal agreements with the City.

**6. Impervious Cover – Chapter 25-8 (*Environment*).**

Schools are currently exempt from both zoning and watershed impervious cover restrictions under the Land Development Code, but public schools districts are subject to certain limits on impervious cover (primarily tied to watershed) through their interlocal agreements with the City. To generally mirror those standards, Chapter 25-8 (*Environment*) would be amended to add the following new section:

**§ 25-8-366 IMPERVIOUS COVER RESTRICTIONS FOR EDUCATIONAL FACILITIES.**

- (A) This section establishes maximum impervious cover restrictions for development of a public primary or secondary educational facility.
- (B) The maximum impervious cover for development of a public primary or secondary educational facility is the lesser of the following:
  - (1) in an urban watershed, 65 percent gross site area;

- (2) in a suburban watershed, 50 percent gross site area;
- (3) in a water supply watershed, outside of an urban watershed and the Barton Springs Zone, 50 percent net site area;
- (4) in the Barton Springs Zone, the maximum impervious cover allowed under Article 13 (*Save Our Springs*); or
- (5) the maximum impervious cover allowed under Section 25-2-492 (*Site Development Regulations*) for the base zoning district in which the educational facility is located.

**7. Traffic – Chapter 25-6 (*Transportation*).**

To better address the impact of schools on traffic in surrounding neighborhoods, staff proposes requiring a Neighborhood Traffic Analysis for development of new educational facilities (charters or public schools). To do this, Subsection (A) of Section 25-6-114 (*Neighborhood Traffic Analysis Required*) would be amended to read as follows:

- (A) The director shall conduct a neighborhood traffic analysis for a project proposed in a site development permit application or a zoning or rezoning application if:
  - (1) the project has access to a residential local or collector street as described in Subsection (C); and
  - (2) one of the following applies:
    - (a) the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day;
    - (b) the application is for a public primary or secondary educational facility.